

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**LUKEHART TRUCKING, LLC and  
K. DOUGLAS LUKEHART T/D/B/A  
ARMSTRONG LOGISTICS**

Plaintiffs,

v.

**TAG TRANS, INC.**

Defendant.

Civil Action No. 2:17-CV-01623

[Magistrate Judge Cynthia Reed Eddy]

*Filed Electronically*

**PLAINTIFFS' MOTION FOR  
LEAVE TO FILE AN AMENDED  
COMPLAINT**

Filed on behalf of:

Lukehart Trucking, LLC and,  
Armstrong Logistics,  
Plaintiffs

Counsel of Record for this Party:  
Gregory W. Swank, Esquire  
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<b>K. DOUGLAS LUKEHART T/D/B/A</b>	)	
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Plaintiffs,	)	[Magistrate Judge Cynthia Reed Eddy]
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<b>TAG TRANS, INC.</b>	)	
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AND NOW, come Plaintiffs Lukehart Trucking, LLC and K. Douglas Lukehart, Michele Lukehart, and Lukehart Trucking, LLC, t/d/b/a Armstrong Logistics (Lukehart and Armstrong are hereinafter sometimes collectively referred to as "Plaintiffs"), and file the within Motion for Leave to File an Amended Complaint, the following of which is a statement:

1. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiffs respectfully move the Court for leave to file the attached Amended Complaint.
2. Rule 15 provides that "a party may amend its pleading [with] the court's leave" and that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

3. Plaintiffs move to file the Amended Complaint with the court's leave, as allowing the Plaintiffs to file the Amended Complaint would serve justice and promote judicial efficiency.

4. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

5. Through the Amended Complaint, Plaintiffs seek to add one new Defendant, BBC Logistics Inc, a corporation organized and existing under the laws of the State of Illinois with a principal place of business located at 6141 Knollwood Road, Apt. #302, Willowbrook, IL 60527.

6. Plaintiffs believe that BBC Logistics Inc (hereinafter, "BBC") entered into an agreement with Defendant Tag Trans, Inc. (hereinafter, "Tag Trans") to haul the load that Armstrong Logistics brokered to Tag Trans.

7. BBC subsequently hauled the load from Illinois to Maryland and failed to properly transport the goods, causing damage to the load.

8. In order for Plaintiffs' to properly and fully assert a cause of action under the Carmack Amendment, BBC should be made a party defendant to this case.

9. In the alternative, Plaintiffs move the court for joinder of BBC under Rule 19 or 20 of the Federal Rules of Civil Procedure.

10. Further, Plaintiffs seek to allege one new count against Tag Trans and BBC to assert a claim under the Carmack Amendment, which preempts most common law causes of action between shippers and common carriers of goods. 49 U.S.C. §14706.

11. Finally, Plaintiffs seek to amend the caption of the case in order to accurately represent that Armstrong Logistics is not a sole proprietorship owned by K.

Douglas Lukehart, but rather a general partnership consisting of K. Douglas Lukehart, Michele Lukehart, and Lukehart Trucking, LLC.

WHEREFORE, in light of the foregoing, and for the reasons stated in the attached brief in support, it is respectfully requested that this Honorable Court grant Plaintiffs' Motion for Leave to File an Amended Complaint.

Dated: March 21, 2018

Respectfully submitted,

/s/ Gregory W. Swank  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

*/s/ Gregory W. Swank*